

8071. Misbranding of herring. U. S. * * * v. William G. Dunton, A. James, jr., and R. Wesley Willey (Irvington Packing Co.). Plea of guilty. Fine, \$50. (F. & D. No. 9814. I. S. No. 4070-p.)

On May 29, 1919, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William G. Dunton, A. James, jr., and R. Wesley Willey, a partnership, trading as the Irvington Packing Co., Irvington, Va., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about June 5, 1918, from the State of Virginia into the State of Maryland, of certain quantities of an article which was misbranded.

Examination of the article by the Bureau of Chemistry of this department showed that none of the containers of the article were labeled as to the net weight thereof.

Misbranding of the article was alleged in that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and numerical count.

On October 6, 1919, the defendants pleaded guilty to the information, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

8072. Misbranding of Pabst's Okay Specific. U. S. * * * v. 21 Bottles, More or Less, of Pabst's Okay Specific. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10550. I. S. No. 15014-r. S. No. E-1519.)

On or about June 10, 1919, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a certain quantity of a certain article, labeled, in part, "Pabst's Okay Specific," at Wilmington, Del., alleging that the article had been shipped on or about April 18, 1919, by the Pabst Chemical Co., Chicago, Ill., and transported from the State of Illinois into the State of Delaware, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, cubebs, buchu, uva ursi, water, and 28.24 per cent by volume of alcohol.

Misbranding of the article was alleged in the libel in that certain statements regarding the curative or therapeutic effects of the article, appearing on the label on the bottle containing the article, falsely and fraudulently represented the article to be effective as a treatment for gonorrhœa, gleet, urethritis, and chronic mucous discharges, whereas, in truth and in fact, it was not. Misbranding was further alleged in that the statement on the label on the bottle, to wit, "Alcohol 24%," was false and misleading, in that the article contained more alcohol, to wit, 28.24 per cent by volume.

On January 15, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8073. Misbranding of Black Caps. U. S. * * * v. 2 Dozen Packages, More or Less, of Black Caps. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10786. I. S. No. 7000-r. S. No. C-1354.)

On July 14, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the Dis-